

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 99291098		DATE OF AWARD 06/09/2005
		MODIFICATION NUMBER: 5 PROGRAM CODE: V		MAILING DATE 06/16/2005
		TYPE OF ACTION Augmentation: Increase		ACH#
		PAYMENT METHOD: Reimbursement		
RECIPIENT TYPE: State		Send Payment Request to: Region 2 Financial Mgt. Branch		
RECIPIENT: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 EIN: 21-6000928		PAYEE: New Jersey Dept of Environmental Protection 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420		
PROJECT MANAGER Edward Putnam 440 East State St., P.O. Box 420 Trenton, NJ 08625-0420 E-Mail: Phone: 609-984-2990		EPA PROJECT OFFICER Carole Petersen 290 Broadway, ERRD/NJRT New York, NY 10007-1866 E-Mail: Petersen.Carole@epamail.epa.gov Phone: 212-637-4420		EPA GRANT SPECIALIST Carol Hemington Grants and Contracts Mgt Branch, OPM/GCMB E-Mail: Hemington.Carol@epamail.epa.gov Phone: 212-637-3420
PROJECT TITLE AND EXPLANATION OF CHANGES Remedial Planning Support Agency Assistance In accordance with the application dated July 29, 2004, as revised September 14, 2004, the Cooperative Agreement is revised as follows: the agreement is increased by \$341,420; and, the project period and the budget period expiration dates are extended to September 30, 2005. In addition, the Terms and Conditions are revised.				
BUDGET PERIOD 10/01/1998 - 09/30/2005	PROJECT PERIOD 10/01/1998 - 09/30/2005	TOTAL BUDGET PERIOD COST \$2,008,320.00	TOTAL PROJECT PERIOD COST \$2,008,320.00	
NOTICE OF AWARD				
<p>Based on your Application dated 07/29/2004 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$341,420. EPA agrees to cost-share <u>100.00%</u> of all approved budget period costs incurred, up to and not exceeding total federal funding of \$2,008,320. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.</p>				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS Grants and Audit Management Branch 290 Broadway, 27th Floor New York, NY 10007-1866		ORGANIZATION / ADDRESS U.S. EPA, Region 2 Emergency and Remedial Response Division 290 Broadway New York, NY 10007-1866		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Donna J. Vizian - Assistant Regional Administrator for Policy and Management				DATE 06/09/2005

V - 99291098 - 5 Page 2

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 1,666,900	\$ 341,420	\$ 2,008,320
EPA In-Kind Amount	\$ 0	\$	\$ 0
Unexpended Prior Year Balance	\$ 0	\$	\$ 0
Other Federal Funds	\$ 0	\$	\$ 0
Recipient Contribution	\$ 0	\$	\$ 0
State Contribution	\$ 0	\$	\$ 0
Local Contribution	\$ 0	\$	\$ 0
Other Contribution	\$ 0	\$	\$ 0
Allowable Project Cost	\$ 1,666,900	\$ 341,420	\$ 2,008,320

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.802 - Superfund State Political Subdivision and Indian Tribe Site Specific Cooperative Agreements	CERCLA: Sec. 104(d)(1)	40 CFR PTS 31 & 35 SUBPT O

[illegible]

Budget Summary Page

Table A - Object Class Category (Non-construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$1,221,361
2. Fringe Benefits	\$325,723
3. Travel	\$40,000
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$0
7. Construction	\$0
8. Other	\$0
9. Total Direct Charges	\$1,587,084
10. Indirect Costs: % Base	\$421,236
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %.)	\$2,008,320
12. Total Approved Assistance Amount	\$2,008,320
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$
15. Total EPA Amount Awarded To Date	\$

Administrative Conditions

a. GENERAL CONDITION

The recipient covenants and agrees that it will expeditiously initiate and timely complete the project work for which assistance has been awarded under this agreement, in accordance with all applicable provisions of 40 CFR Chapter 1, Subchapter B. The recipient warrants, represents, and agrees that it, and all its contractors, employees and representatives, will comply with all applicable provisions of 40 CFR Chapter 1, Subchapter B, INCLUDING BUT NOT LIMITED TO the provisions of 40 CFR Part 35 Subpart O.

b. TERMS AND CONDITIONS

All Terms and Conditions included or referenced in Amendment No. V99291098-4 remain in effect and are incorporated by reference herein, with the following exceptions:

Condition No. 10, "ANTI-LOBBYING," is hereby deleted and is replaced with the following updated version:

10. LOBBYING AND LITIGATION CERTIFICATE

Pursuant to EPA's annual Appropriations Act, the chief executive officer of this recipient agency shall require that no grant funds have been used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. As mandated by this Act, the recipient agrees to provide certification to the award official via EPA Form 5700-53, *Lobbying and Litigation Certificate*, within 90 days after the end of project period.

The recipient shall abide by its respective OMB Circular (A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States. Any Part 30 recipient shall abide by its respective OMB Circular (A-21 or A-122), which prohibits the use of Federal grant funds to participate in various forms of lobbying or other political activities.

Condition No. 11, "USE OF RECYCLED PAPER," is hereby deleted and is replaced with the following updated version:

11. RECYCLED PAPER

In accordance with EPA Order 1000.25 and Executive Order 13101, *Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition*, the recipient agrees to use recycled paper for all reports which are prepared as a part of this agreement and delivered to EPA. This requirement does not apply to reports prepared on forms supplied by EPA, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. Please note that Section 901 of E.O. 13101, dated September 14, 1998, revoked E.O. 12873, *Federal Acquisition, Recycling, and Waste Prevention* in its entirety.

Condition No. 13, "EPA-AUTOMATED CLEARINGHOUSE," is hereby revised as follows. In Amendment No. V99291098-3, awarded September 21, 2001 (when EPA Region 2 was not operating out of the New York Office and did not have access to previous award documents), the previous Condition entitled "Automated Clearinghouse" was deleted and was replaced with a condition entitled "DRAWDOWNS UNDER ASAP," which inadvertently and incorrectly revised some of the basic requirements of this agreement. However, that amendment also included the following statement: "Please note that this cooperative agreement may be amended to revise previous conditions if review of those conditions shows this to be necessary." Therefore, the following deletes both the original "EPA-Automated Clearinghouse" condition (Condition No. 13) and the

"DRAWDOWNS UNDER ASAP" condition, and replaces them with the following updated version of Condition No. 13:

13. FINANCIAL REQUIREMENTS

The recipient agrees to the following conditions in accepting this assistance agreement:

- (a) Cash draw down will be made only as actually needed for its disbursement;
- (b) The recipient will provide timely reporting of cash disbursements and balances as required;
- (c) The recipient will impose the same standards of timing and reporting on secondary recipients, if any;
- (d) When a drawdown occurs, the recipient will draw funds applicable to the appropriate site, activity, and operable unit account (as applicable), as indicated by the EPA "Site/Project I.D." account number shown in Condition 15. Also see Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns;
- (e) When the funds allocated in the approved application for a specific site/activity/operable unit (as applicable) have been exhausted but the work under the site/activity/operable unit has not been completed, the recipient may exceed the amounts shown for the site/activity/operable unit in the approved application as long as a like amount is available as unspent from the budgeted amount for another site/activity/operable unit, and the amount budgeted for that other site/activity/operable unit is reduced accordingly. The recipient shall keep records showing which site/activity/operable unit budgets have been increased and decreased, and shall provide a copy of this record to the EPA Grants Office with the annual Financial Status Report. No costs may be charged to any sites/activities/operable units not listed in the cooperative agreement without an amendment to the cooperative agreement. See also Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns;
- (f) Funds allocated for a specific site/activity/operable unit in the approved application and remaining unspent after activities at the site/activity/operable unit are completed may be applied to another site/activity/operable unit already included in the approved application in accordance with the paragraph above (however, see Condition No. 28 for specific limitations on incurring costs and limitations on drawdowns). If the funds are no longer needed, they shall be returned to EPA;
- (g) When a site/activity/operable unit (as applicable) is completed, the recipient will submit a Financial Status Report (SF-269) within 90 days to the EPA Grants Officer; and
- (h) The recipient will also submit the SF-269 within 90 days after the close of each budget period. If the budget period is longer than one year the report will be submitted annually, based on the anniversary date of the award.

Failure on the part of the recipient to comply with the above conditions may cause the undisbursed portions of the Cooperative Agreement to be revoked and financing method changed to a reimbursable basis.

Condition No. 14, "DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS," is hereby deleted and is replaced with the following updated version:

14. DISADVANTAGED BUSINESS ENTERPRISE FAIR SHARE REQUIREMENTS

In accordance with EPA's Program for Utilization of Small, Minority and Women's Business Enterprises (MBE/WBE) in procurement under assistance programs, the recipient agrees to:

a) the applicable FY-2005 "fair share" goals negotiated with EPA by the State which break down as follows:

- for New Jersey MBE: Construction, Equipment, Supplies and Services are 7%
- for New Jersey WBE: Construction, Equipment, Supplies and Services are 3%

b) ensure to the fullest extent possible that the applicable fair share goals as referenced in paragraph (a) are applied to Federal funds for prime contracts or subcontracts for Construction, Equipment, Supplies and Services. The recipient agrees to include in its bid documents the applicable FY 2005 "fair share" objectives and require all of its prime contractors to include in their bid documents for subcontractors the applicable FY 2005 "fair share" percentages and to comply with paragraphs (c), (d) and (e).

c) follow the six affirmative steps stated in 40 CFR 30.44(b), 40 CFR 31.36(e), 35.3145(d), 35.6580, or the Drinking Water State Revolving Fund (SRF) Program Guidelines, as appropriate.

d) submit an EPA Form 5700-52A, "MBE/WBE Utilization Under Federal Grants, Cooperative Agreements, and Interagency Agreements" to Otto Salamon the Region 2 MBE/WBE, Small Disadvantaged Business Utilization Officer (SDBUO) beginning with the Federal fiscal year quarter the recipient receives the award and continuing until the project is completed. These reports must be submitted to the SDBUO within 30 days of the end of the Federal fiscal quarter (January 30, April 30, July 30 and October 30) except for assistance awards for Continuing Environmental Programs which must be submitted to the SDBUO by October 30 of each year.

e) To notify EPA in advance of any race and/or gender conscious action it plans to take to more closely achieve the fair share objective, in the event race and/or gender neutral efforts prove to be inadequate to achieve a fair share objective for MBE/WBE.

15. REQUIREMENTS FOR ACCOUNTING FOR COSTS AND REQUESTING PAYMENT

Funds under this Cooperative Agreement have been awarded in a lump sum, using a non-site-specific account identifier (e.g., Site/Project identifies "02WQMA00"). However, drawdowns may not be made using this identifier; for drawdown purposes, the following site-, activity-, and/or operable unit-specific identifiers must be used, corresponding to the sites, activities and/or operable units for which costs were incurred:

SITE/OU	ACTIVITY	APPROVED BUDG. AMT (100% FEDERAL)	SITE/PROJ. I.D.
*Bridgeport Rental	RI/FS	\$11,930	0207MA01 C001
Brook Industrial Park	RD	\$28,250	0295MA00
Chemical Insecticide (OU4)	RI/FS	\$61,721	0294MA00
*Chemical Insecticide (OU2)	RD	\$3,000	0294MA01 C001
Chemical Leaman OU2 (Soil)	RI/FS	\$8,000	02B4MA00
Chemical Leamon OU3 (GW)	RD	\$17,204	02B4MA00
Chemsol	RI/FS - RD	\$18,500	02C3MA00
Ciba Geigy	RI/FS	\$35,000	0287MA00
Ciba Geigy	RD	\$9,841	0287MA00
Cinnaminson (OU2)	RI/FS	\$7,000	02F7MA00
Cinnaminson	RD	\$6,000	02F7MA00

Cornell Dublier	RI/FS	\$53,000	02GZMA00
Cornell Dublier (residences)	RD	\$5,000	02GZMA00
Cosden Chemical (OU2) Soil	RD	\$34,155	02P8MA00
Cosden Chemical (OU3) GW	RD	\$17,500	02P8MA00
D'Imperio	RI/FS	\$5,000	0221MA00
D'Imperio	RD	\$7,000	0221MA00
Diamond Alkali / Passaic River	RI/FS	\$72,550	0296MA00
*Diamond Head Oil	RI/FS	\$3,000	02KKMA00 C001
*Dismal Swamp (aka Woodbrook Rd)	RI/FS	\$3,000	02NXMA00 C001
Dover Municipal Well Source (OU2)	RI/FS	\$25,666	02W1MA00
Dover Municipal Well GW(OU1)	RD	\$7,120	02W1MA00
Emmell's Septic LF	RI/FS	\$28,037	02JWMA00
Fairlawn / Sandvik	RI/FS	\$52,700	0258MA00
Federal Creosote	RI/FS & RD	\$221,146	02JJMA00
Fried Industries (GW)	RD	\$21,200	02D1MA00
Fried Industries (Soil)	RD	\$13,910	02D1MA00
Higgins Disposal (GW)	RD	\$5,000	023CMA00
Horseshoe Road	RI/FS	\$75,727	02BTMA00
Iceland Coin Laundry	RI/FS	\$19,552	02MPMA00
Industrial Latex	RI/FS	\$16,200	02M3MA00
Kauffman & Minter	RI/FS	\$10,654	021RMA00
Kauffman & Minter	RD	\$50,364	021RMA00
LCP Chemicals	RI/FS	\$52,000	02HUMA00
Lightman Drum	RI/FS	\$30,008	02MSMA00
Martin Aaron	RI/FS	\$28,742	02MNMA00
Maywood Chemical	RI/FS & RD	\$51,500	0219MA00
Metaltec	RD	\$16,200	0241MA00
Monitor Devices	RI/FS	\$10,000	02N4MA00
Montclair / Glen Ridge	RI/FS	\$11,200	02A9MA00
*Montclair / Glen Ridge	RD	\$3,678	02A9MA00
Montgomery Township	RD	\$43,054	0290MA00
Myers	RD	\$19,550	02C9MA00
NL Industries	RD	\$12,500	0261MA00
Pepe Field	RD	\$4,470	0289MA00
Pohatcong Valley	RI/FS	\$69,047	023JMA00
Puchak	RI/FS	\$86,942	02JLMA00
*Quanta Resources (OU1, OU2)	RI/FS	\$3,000	0243MA00 C001
Radiation Technology (RTI)	RI/FS	\$3,339	02X5MA00
Radiation Technology (RTI)	RD	\$3,000	02X5MA00
Rockaway Boro (GW)	RD	\$18,200	0281MA00
Rockaway Boro (Soil)	RI/FS	\$23,200	0281MA00
*Rockaway Boro (soil -Lusardi)	RI/FS	\$3,000	0281MA02 C001
Rocky Hill Wellfield	RD	\$48,609	0264MA00
Roebbing Steel	RI/FS	\$131,968	0291MA00
*Rolling Knoll LF	RI/FS	\$3,000	02QLMA00 C001
Route 561 Dump	RI/FS	\$40,000	02FSMA00
SCP Carlstadt	RI/FS & RD	\$41,000	0265MA00
*Swope Oil (OU3)	RI/FS	\$3,000	0232MA01 C001
U.S. Radium	RD	\$11,200	0267MA00
*U.S. Radium (OU3)	RI/FS	\$3,000	0267MA01 C001
U.S. Avenue Burn Site	RI	\$40,000	02GEMA00
Vineland Chemical	RD	\$54,700	02B8MA00
Waldick	RD	\$13,200	02F4MA00
Welsbach G.M.	RI/FS	\$120,177	028UMA00
*Welsbach GM Soil	RD	\$3,000	028UMA00 C001
White Chemical	RI/FS	\$35,989	026JMA00
Zschiegner Refining	RI/FS	\$12,920	028EMA00

*NOTE: See Condition No. 28 for limitations on incurring costs or drawing down funds for these sites/activities/operable units.

The following conditions are added:

23. SINGLE AUDITS

A recipient who expends more than \$500,000 annually in Federal funds is required to have an independent audit performed in accordance with the Office of Management and Budget (OMB) Circular A-133. The cost of such an audit is an allowable charge to your Federal grant awards on a prorated basis. If you have already met this requirement, please submit 2 copies of the latest independent audit report to the EPA, Grants and Contracts Management Branch within 30 days of the date of this award. If the required audit has not been performed, submit milestone dates for compliance with OMB Circular A-133 within 30 days of the date of this award to the EPA, Grants and Contracts Management Branch.

24. SUSPENSION AND DEBARMENT

Recipient shall fully comply with Subpart C of 40 CFR Part 32, entitled "Responsibilities of Participants Regarding Transactions." Recipient is responsible for ensuring that any lower tier covered transaction, as described in Subpart B of 40 CFR Part 32, entitled "Covered Transactions," includes a term or condition requiring compliance with Subpart C. Recipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. Recipient acknowledges that failing to disclose the information required under 40 CFR 32.335 may result in the delay or negation of this assistance agreement, or pursuance of legal remedies, including suspension and debarment.

Recipient may access the Excluded Parties List System at <http://epls.arnet.gov>. This term and condition supersedes EPA Form 5700-49, "Certification Regarding Debarment, Suspension, and Other Responsibility Matters."

25. NEW RESTRICTIONS ON LOBBYING

The recipient agrees to comply with Title 40 CFR Part 34, *New Restrictions on Lobbying*. The recipient shall include the language of this provision in award documents for all subawards exceeding \$100,000, and require that subrecipients submit certification and disclosure forms accordingly.

In accordance with the Byrd Anti-Lobbying Amendment, any recipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such expenditure.

26. PURCHASE OF PRODUCTS CONTAINING RECYCLED MATERIALS

Any State agency or agency of a political subdivision of a State which is using appropriated Federal funds shall comply with the requirements set forth in Section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962). Regulations issued under RCRA Section 6002 apply to any acquisition of an item where the purchase price exceeds \$10,000 or where the quantity of such items acquired in the course of the preceding fiscal year was \$10,000 or more. RCRA Section 6002 requires that preference be given in procurement programs to the purchase of specific products containing recycled materials identified in guidelines developed by EPA. These guidelines are listed in 40 CFR 247.

27. LIMITATION ON CHARGING COSTS - OVERDUE FINANCIAL STATUS REPORTS

The recipient may incur costs on eligible activities, but is precluded from charging costs to this Cooperative Agreement or drawing down funds for any periods covered by overdue annual Financial Status Reports (SF-269A). The overdue annual Financial Status Reports

referenced in Conditions No. 20, No. 21, and No. 22 (e.g., covering the periods 10/1/1998 - 9/30/1999 and 10/1/1999 through 9/30/2000) are currently overdue as are the Financial Status Reports covering the periods 10/1/2000 through 9/30/2001 and 10/1/2001 through 9/30/2002. Upon award of this amendment, the Financial Status Reports covering the periods 10/1/2002 through 9/30/2003, and 10/1/2003 through 9/30/2004 will also be overdue. Please note that, in order to be considered as complete, the latest Financial Status Report submitted must include the budget information required by Paragraph (e) of Condition No. 13.

28. LIMITATION ON INCURRING COSTS OR DRAWING DOWN FUNDS - NEW SITES/ACTIVITIES/OPERABLE UNITS

For any new sites, activities, and/or operable units added to this cooperative agreement (as indicated by an asterisk (*) in the list in Condition No. 15), the recipient is precluded from charging any costs incurred for them prior to the award date of this amendment, or drawing down funds for any such costs, unless and until a deviation for pre-award costs has been approved by the Director of the EPA Grants Administration Division.

28. CLARIFICATION OF APPLICATION

In the application, the \$3,000 amount shown in the "CURRENT AWD. AMT." column for the Ringwood Mines RI/FS is hereby deleted, since funds were not approved for that site/activity in the previous amendment, and the Total for that column is corrected to the amount in the previous amendment, i.e., \$1,666,900.

Note: Condition No. 17, "LIMITATION ON CHARGING COSTS," has been satisfied.